

Agenda Item A8	Committee Date 24 August 2015	Application Number 15/00297/CU
Application Site Land Adjacent To Chipping House Chipping Lane Bay Horse	Proposal Retrospective application for change of use of agricultural land for the siting of mobile home for domestic use with domestic curtilage and associated landscaping	
Name of Applicant Mr Ben Morris	Name of Agent Mrs Melanie Lawrenson	
Decision Target Date 27 May 2015	Reason For Delay Officer workload	
Case Officer	Mrs Eleanor Fawcett	
Departure	No	
Summary of Recommendation	Refusal	

(i) Procedural Matters

This form of development would normally be dealt with under the Scheme of Delegation. However, a request has been made by Councillor Helen Helme for the application to be reported to the Planning Committee. The reason for the request relates to the need for the applicants to live in this location given the proximity to their place of work and the village of Dolphinholme which is identified as being suitable for further housing development.

1.0 The Site and its Surroundings

1.1 This application relates to an area of land located off Chipping Lane towards the southern end of the District, approximately 3 kilometres to the south east of Galgate and 1 kilometre to the west of Dolphinholme. It is situated to the rear of a residential dwelling, Chipping Road Barn, the majority of which was converted from a former barn. There is an agricultural contractor's business operating from this adjacent domestic property and includes a large detached building adjacent to the application site. The site and this business are both accessed via a track which runs adjacent to the south eastern boundary. It also serves another domestic property, Chipping House, which is set further back from the highway to the south west of the site.

1.2 The site comprises a relatively large grassed area, an area of hardstanding, a static caravan including a decking area and a small storage container. There is a low boundary wall and timber fence along most of the north eastern boundary with Chipping Road Barn and a stone wall, approximately 1.5 metres high which includes a pedestrian gate, along the south west boundary with Chipping House. Mature trees and a post and wire fence are situated along the northwest boundary with the adjacent field and there are also mature trees along the boundary with the access track, in addition to some timber fencing. There have been agricultural buildings on the site previously, extending across the land which is now within the curtilage of Chipping Road Barn. The application site has never had any formal application for a change of use to domestic curtilage associated with either of the adjacent dwellings and there are clear boundary treatments separating the site from these. As such, its use is still considered to be agricultural. The site is located within the open countryside, as set out on the Local Plan Proposals Map. There is a high pressure gas pipeline located approximately 190 metres to the south west.

2.0 The Proposal

2.1 Planning permission is sought for the change of use of agricultural land for the siting of a static caravan for residential use and the creation of a domestic curtilage. Consent is also sought for a small container. The caravan and container are sited towards the north west boundary of the site. The application is retrospective as the caravan is already on the site. The caravan came to Officers' attention in July 2014 when dealing with an application at the adjacent property. The owner of the land was contacted by the Enforcement Team which has resulted in the submission of the current application.

3.0 Site History

3.1 There is no relevant recent planning history on the application site. However, there is recent history on the property to the northeast of the site, Chipping Road Barn, including an agricultural contractor's business. In 2000 consent was granted for the reinstatement of the former dwelling including the conversion of the adjoining barn to form a single dwelling at Chipping Road Barn which had been used as a packing shed and store in relation to the poultry farm formally at the site. The existing site plan submitted as part of the application included the current application site and showed buildings on part of this. This consent defined the domestic curtilage of Chipping Road Barn in its current position.

4.0 Consultation Responses

4.1 The following responses have been received from statutory and non-statutory consultees:

Consultee	Response
Parish Council	Supports application.
Environmental Health	No objections.
County Highways	No objections.
National Grid	No comments received.

5.0 Neighbour Representations

5.1 No comments have been received.

6.0 Principal National and Development Plan Policies

6.1 National Planning Policy Framework (NPPF)

Paragraphs **7**, **14** and **17** – Sustainable Development and Core Principles
Paragraph **32** – Access and Transport
Paragraphs **49** and **50** – Delivering Housing
Paragraphs **56**, **58** and **60** – Requiring Good Design
Paragraph **109** – Protecting and Enhancing Valued Landscapes
Paragraph **123** – Noise impacts from development

6.2 Lancaster District Core Strategy (adopted July 2008)

SC1 – Sustainable Development
SC5 – Achieving Quality in Design

6.3 Lancaster District Local Plan - saved policies (adopted 2004)

E4 – Countryside Area

6.4 Development Management Development Plan Document

DM20 – Enhancing Accessibility and Transport Linkages
DM22 – Vehicle Parking Provision

- DM28** – Development and Landscape Impact
- DM29** – Protection of Trees, Hedgerows and Woodland
- DM35** – Key Design Principles
- DM41** – New Residential dwellings
- DM42** – Managing Rural Housing Growth

7.0 Comment and Analysis

7.1 The main issues to be considered in the determination of this application are:

- Principle of development
- Landscape and visual impacts
- Impact on residential amenity
- Access and highway impacts

7.2 Principle of development

7.2.1 Policy SC1 of the Core Strategy requires new development to be as sustainable as possible, in particular it should be convenient to walk, cycle and travel by public transport between the site and homes, workplaces, shops, schools, health centres, recreation, leisure and community facilities. Policy DM20 of the Development Management DPD sets out that proposals should minimise the need to travel, particularly by private car, and maximise the opportunities for the use of walking, cycling and public transport. Policy DM42 sets out settlements where new housing will be supported and that proposals for new homes in isolated locations will not be supported unless clear benefits of development outweigh the dis-benefits.

7.2.2 The proposal relates to the siting of a caravan on agricultural land to be used as residential accommodation by the applicants as an independent dwelling. The site is located in the open countryside, divorced from any of the villages identified in policy DM42, the closest being Dolphinholme. There are a few dwellings close to the site, however, the edge of the main built up area of Dolphinholme is located 1 kilometre to the east. There are no footpaths linking to the main part of the village so it would be difficult and potentially dangerous to walk to the primary school, particularly in winter. There are also no public bus services in the locality, so access to a private vehicle would be needed to reach any services. The Fleece Inn is located approximately 300 metres to the south east of the site and has planning consent for a small shop within the pub/hotel. However, this in itself does not make the site sustainable. Policy DM42 sets out that proposals for new residential development on non-allocated sites must be well related to the existing built form of the settlement. As set out above, it is not considered that this site meets with these requirements.

7.2.3 Paragraph 55 of the NPPF sets out that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities, and local authorities should avoid new isolated homes in the countryside unless there are special circumstances. These include:

- The essential need for a rural worker to live at or near their place of work in the countryside;
- Where development would represent the optimal viable use of a heritage asset;
- Where development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling.

The submission sets out that one of the occupiers of the caravan works in the school in Dolphinholme and regularly walks to work to save on costs and the applicant works on the agricultural land connected to the site. However, no details have been provided with regards to the nature of the work that is carried out by the applicant. The submission also sets out that one of the occupiers' family live in the barn conversion and Chipping House, which allows her to look in on the elderly relative in the house.

7.2.4 The justification that has been put forward to support the residential caravan in this location has been taken into the consideration. However, the NPPF is very clear that in only exceptional circumstances new isolated dwellings will be supported in the countryside. The proposal does not meet any of the exceptions set out in the NPPF or the Development Management DPD and as such it is contrary to both National and Local policy. In addition, an appeal for a new dwelling on Whams

Lane, within an existing row of dwellings, has recently been dismissed. This is approximately 1.3 kilometres to the south west of the site (by road) and the Inspector concluded that despite the proximity to other dwellings, the development is isolated for the purposes of assessment against Paragraph 55 of the NPPF and also sets out that the absence of a safe pedestrian environment would restrict the opportunities for a reliance on walking. It is noted that there have been some previous buildings on the site although these were in relation to an agricultural use which is common in a rural location and ceased some years ago. As such, this does not override the concerns with regard to the unsustainable location. The principle of a new dwelling in this location is therefore considered to be unacceptable.

7.3 Landscape and visual impacts

7.3.1 The submission sets out that the mobile home is 11.5 metres in length, 3.9 metres in width, 2.8 metres in height to eaves and has an internal floor area of 44.85 sq.m. It is sited towards the north east boundary and has additional decking on one side and end giving access to its main door on the south west elevation. It is raised from the existing ground level by 0.7 metres at the north eastern end and 1.7 metres at the end of the decking area to the south west of the caravan. A storage container is also included in the proposal and measures 2.7 metres by 4.8 metres with a height of 2.5 metres. The application site is approximately 33 metres wide and 46 metres deep and has a row of trees along the north west boundary and most of the south east boundary. The majority of the site is grassed and there is an area of hardstanding located adjacent to the north east boundary which is used for access and parking.

7.3.2 Although there are large trees along the north western boundary, the caravan and storage container are clearly visible from the highway to the north west of the site. As such, it is visible from public views outside the site. Both of the adjacent residential properties are constructed from stone and of a traditional character and appearance. The application seeks the retention of the static caravan on the site on a permanent basis. Policy DM35 sets out that the Council will expect development to contribute positively to the identity and character of the area through good design, having regard to local distinctiveness, appropriate siting, layout and palette of materials. The static caravan is finished in a cream colour and has a shallow pitched roof, sited close to but at an angle to the north west boundary of the site. As a result of its design and appearance, including the colour and materials, it is not considered to be in keeping with the character and appearance of the area and is therefore contrary to Policies DM35 and DM42. It does not represent a high quality design and is also considered to have an adverse impact on the character and appearance of the landscape in this locality.

7.4 Impact on residential amenity

7.4.1 Given the distance separating the caravan from the two adjacent dwellings, it is not considered that there is a detrimental impact on the privacy or outlook/daylight to these properties. However, as already set out above, an agricultural contractor's business operates from the adjacent property, Chipping Road Barn, and the associated building and hardstanding area abut the boundary with the application site. Therefore, there is the potential for this business to have a detrimental impact on the amenities of the occupiers of the caravan. The business activities are restricted to between 7am and 9pm and this was considered to be appropriate in terms of the amenity of Chipping House which is located further to south west and of solid construction. However, the caravan on the application site is located in close proximity to the building and hardstanding area associated with the business and as such it is unlikely that the amenities of the occupiers would not be affected by noise particularly associated with the movements of machinery. As such, the relationship of the caravan to the existing business is considered to be unacceptable.

7.5 Access and highway impacts

7.5.1 The site utilises an existing access from Chipping Lane serving existing properties and provides sufficient provision for parking within the site. As such, it is not considered that the proposal has a detrimental impact on highway safety and County Highways has raised no concerns.

8.0 Planning Obligations

8.1 There are no planning obligations to consider as part of this application as the application is recommended for refusal. However, if the proposal was recommended for approval, as it relates to

a new residential dwelling, an affordable housing contribution would be required unless it was restricted to occupation by the applicants only.

9.0 Conclusions

9.1 Notwithstanding the need to boost significantly the supply of housing (as defined by the NPPF, Section 6, Paragraph 47 in particular), and the fact that housing applications should be considered in the context of the presumption in favour of sustainable development (Paragraph 49), this proposal for an unrestricted residential property in the open countryside does not represent sustainable development. It is not a location that can be made sustainable and so approving the application would run contrary to the NPPF and Development Plan policies. The proposal does not represent a high quality design and will have an adverse impact on the character and appearance of the area and the amenities of the static caravan due to the close proximity to an existing agricultural contractor's business.

Recommendation

That Planning Permission **BE REFUSED** for the following reasons:

1. The site is located within the open countryside, divorced from any services and as such is not considered to be sustainable in terms of its location. It is not considered that there are any special circumstances, in this instance, to justify a new dwelling in this isolated, unsustainable location. The proposal is therefore contrary to the aims and objectives of the Core Planning Principles and Section 6 of the National Planning Policy Framework, Policy SC1 of Lancaster District Core Strategy and Policies DM20 and DM42 of the Development Management Development Plan Document.
2. As a result of the siting, design and appearance of the static caravan and storage container, it is considered that the proposal does not represent a high quality design, is not in keeping with the character or appearance of the area, and will have a detrimental visual impact on the landscape in this location. The proposal does therefore not accord with the aims and objectives of the Core Planning Principles, Section 7 and Section 11 of the National Planning Policy Framework, Policy SC5 of the Lancaster District Core Strategy, Policies DM28, DM35 and DM42 of the Development Management Development Plan Document and Saved Policy E4 of the Lancaster District Local Plan.
3. Given the close proximity of the static caravan to the agricultural contractor's business, operated in association with the adjacent residential property, it is not considered that the proposal provides an acceptable level of amenity for the occupiers of the caravan. As such the proposal is contrary to the Core Planning Principles and Section 11 of the National Planning Policy Framework and Policy DM35 of the Development Management Development Plan Document.

Article 35, Town and Country Planning (Development Management Procedure) (England) Order 2015

In accordance with the above legislation, the City Council can confirm the following:

In accordance with the above legislation, the City Council can confirm that it takes a positive and proactive approach to development proposals, in the interests of delivering sustainable development. As part of this approach the Council offers a pre-application service, aimed at positively influencing development proposals. Regrettably the applicant has failed to take advantage of this service and the resulting proposal is unacceptable for the reasons prescribed.

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

None